

REMARKS

In the July 31, 2003 Office Action, all of the claims were rejected as anticipated under 35 U.S.C. §102(e) by a single prior art reference: U.S. Patent No. 6,333,973 to Smith et al. ("the '973 patent"). The claims have been amended herein to more clearly reflect the invention and to differentiate it from that disclosed by the '973 patent. In order to anticipate a claim under 35 U.S. Code § 102(e), a prior art reference must disclose each and every claimed element. See, M.P.E.P §2132.01. Because the claims as amended recite elements not disclosed by the '973 patent, the anticipation rejection should be withdrawn.

The '973 patent generally discloses an integrated message center for displaying and manipulating information for various types of messages. The disclosure of the '973 patent is significantly different from the system and method claimed by the presently amended claims. Generally, the '973 patent discloses a system that has its myriad components distributed widely across a proprietary network and network services provider. The present invention as defined by the amended claims, on the other hand, is directed to a local system that interfaces directly with the PSTN.

For example, independent Claims 1, 11, 12, 19 and 20 all recite a direct connection to the public switch telephone network (PSTN). These independent claims also recite local recorders, local processors and local displays for processing, manipulating and recording messages. The '973 patent, on the other hand, discloses an integrated message

center that is not suitable for direct use with the PSTN but instead relies on a proprietary “Global System From Mobile Communications Switching Fabric” (GSM). See, the ‘973 patent, column 4, lines 1- 7. The system disclosed by the ‘973 patent does not include local storage and processing of call data, but instead relies on a remote network services provider for these functions. See, column 5, lines 1-8. This adds cost and complexity to the system of the ‘973 patent as compared to the invention as claimed by the presently amended claims.

Addressing amended Claim 1 in particular, it recites a recorder for recording and storing phone messages from incoming phone communications received *directly from the PSTN*. Amended Claim 1 further recites a processor that is *locally* connected to the recorder for determining phone communication origination identification data. The ‘973 patent, on the other hand, discloses remotely receiving, storing and processing message information that the network services provider (shown as element 1200 in Figure 1) receives from the GSM 1800. See the ‘973 patent, column 5, lines 5-8. In particular, as shown by Figure 5 of the ‘973 patent, voice messages are processed and stored within network services provider 1200 with a voicemail server 5600. See the ‘973 patent, column 7, lines 40-47. Only a short indication of the presence of that stored call data is communicated across the GSM switching fabric 1800 to the display on the phone 1100. *Id.* When a user wants to retrieve that message, the phone 1100 must communicate over the GSM switching fabric with the network services provider 1200 and its voicemail server 5600.

The system claimed by amended Claim 1 therefore offers some substantial benefits over the system taught by the '973 patent. For example, the system claimed by Claim 1 interfaces directly with the PSTN, and locally processes and stores messages. It does not rely on an external and proprietary GSM switching fabric, network services provider, voicemail server or any other external components or communications as is taught by the '973 patent. Each of these external components adds a level of complexity, cost and a risk of failure.

To further illustrate the differences between the claimed invention and that taught by the '973 patent, it is useful to appreciate operation of the system of the '973 patent. That system must first receive a call from the PSTN, then communicate this across the GSM switching fabric 1800 to the voicemail server 5600 located at network services provider 1200. The call is then processed, and a message recorded on the server 5600 that is remote from the phone 1100. A summary of the existence of that message is then communicated from the network services provider 1200 back over the GSM switching fabric 1800 to the display on the phone 1100.

When a user wishes to access that message from the phone 1100, it must communicate back across the GSM switching fabric 1800 with the network services provider 1200 and the voicemail server 5600. The voicemail server 5600 must then communicate the recorded message from network services provider 1200 back across the GSM switching fabric 1800 one more time to the phone 1100. Accordingly, the recording, processing,

retrieval and playback of a voice message requires no less than four "trips" across the GSM switching fabric 1800. Should any of the various components required for these communications be unavailable during any of these "trips", for reasons such as a power failure, maintenance or other outage, operation of the system of the '973 patent will not be possible.

Amended Claim 1 on the other hand, is directed to a less complex system that includes local recording, storing and processing call information directly from the PSTN. After the call has been received directly from the PSTN, there are no external components such as the GSM switching fabric with the network services provider or the '973 patent that need to be relied on. Also, a cost in the form of a subscription or usage rate is likely associated with use of the GSM fabric 1800, the network services provider 1200, and voicemail server 5600. The present invention as presently claimed avoids these costs.

Claims 2-5 depend from Claim 1 and are allowable for the same reasons as are Claim 1. Claims 6 and 7 depend from Claim 1 and have been amended to include still additional elements not disclosed by the '973 patent. Amended Claim 6, for example, includes a PSTN port for connecting to the public switched telephone network. Amended Claim 7 includes a PSTN port and a second port for connecting to a telephone. The PSTN port of Claims 6 and 7 and the second port of Claim 7 are all recited to be *locally* connected to the recorder, processor and display of Claim 1. The system of the '973 patent, on the other hand, discloses only that the GSM switching fabric 1800 be connected to the PSTN. This

connection is not *local* to a display, recorder or processor as is required by amended Claims 6 and 7, but is instead *remote* from the voice mail server 5600 and the phone 1100.

Claims 8-10 depend from Claim 1 and are allowable for the same reasons as are that claim. Claim 11 is an independent claim that has been amended to include a number of elements not disclosed by the '973 patent. These elements include a PSTN port that is *locally* connected to a recorder, a processor for creating a call record that is *locally* connected to the recorder, and a display touch screen that is *locally* connected to the recorder and the processor. As discussed above, the '973 patent does not disclose any of these elements, but instead relies on a more complex system with elements remote from one another at far flung ends of a proprietary GSM switching fabric. For these and other reasons, Claim 11 as amended is allowable over the '973 patent.

Independent Claim 12 is directed to a method for managing communications information and recites a number of steps not disclosed or suggested by the '973 patent. For example, amended Claim 12 recites receiving a plurality of incoming phone calls *directly* from the PSTN, processing them with a processor and recording a message with a recorder that is *locally* connected to the processor. Information about those calls is then displayed using a display *locally* connected to the recorder. As discussed above, these method steps are not disclosed by the '973 patent with the result that it cannot anticipate amended Claim 12. Claims 13-15 have been cancelled herein. Claim 16 depends from Claim 12 and has been amended to further include a step of determining a duration time for each of the plurality of

phone calls. This is an additional step not disclosed by the '973 patent. Claims 17 and 18 depend from Claim 12 and are allowable for the same reasons as are that claim.

Claim 19 is an independent claim directed to a method for managing call information, and includes a number of steps not disclosed by the '973 patent. For example, Claim 19 includes a step of using a processor that is *locally* connected to a recorder, and a step of displaying call record information on a touch screen display that is *locally* connected to the processor and the recorder. Claim 19 also includes a step of using the same processor that processes the call to detect the selection of one of the records on the touch screen. As discussed above, the '973 patent does not disclose these steps.

Independent Claim 20 is directed to a computer program product for causing a computer to manage communication data. The program product claimed by Claim 20 includes a number of elements not disclosed or suggested by the '973 patent and is therefore allowable over that reference. For instance, amended Claim 20 recites receiving incoming phone calls *directly* from the PSTN, and of determining origination identity data for the phone calls using a processor that is *locally* connected to a recorder. Amended Claim 20 also recites determining duration time for each of the calls with the local processor.

Additionally, amended Claim 20 recites causing the computer to generate a selection interrupt upon selection of a record with a selector, and causing the computer to respond to the selection interrupt by playing the recorded message. These elements are not

disclosed by the '973 patent, with the result that Claim 20 is allowable over the '973 patent. Claim 21 has been cancelled herein.

Several new claims have been presented for consideration which are sincerely believed to be allowable. New Claim 22 depends from Claim 1 and recites a telephone integral with a recorder, a processor and a display. Support for this can be found in the specification at p. 12, line 5. This is not disclosed by the '973 patent, which instead teaches a recorder and processor *remote* from the telephone. New Claims 23-25 depend from Claim 12. New Claim 23 recites that incoming phone calls include video data, and that the step of recording the message for at least one of the plurality of phone calls includes recording video data. Support for this can be found in the specification at p. 5, line 18. New Claim 24 depends from Claim 12 and recites that the step of responding to selection of one of the records includes responding to a voice activation command. Support for this can be found in the specification at p. 9, line 5. New Claim 25 depends from Claim 12 and recites that the use of the selector causes a selection interrupt to be generated, and that the step of responding to the selection includes receiving and querying the interrupt to determine if it is a selection interrupt. The recitations of new Claims 23-25 are not taught or suggested by the '973 patent, with the result that these claims are allowable over the reference.

CONCLUSION

In response to the July 31, 2003 Office Action, the Applicant through his attorneys has amended the Claims, presented several new claims for consideration and provided remarks that pointing out how the claimed invention differs from that disclosed in the prior art. In their current form, all claims are sincerely believed to be allowable. Should the Examiner disagree or feel that issues remain that require attention, the Applicant's undersigned attorney respectfully requests that he be contacted by telephone to discuss the same.

Respectfully submitted,

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